

18.04.2024
Court No.13
Item Nos.12 to 15
AP

WPA 6887 of 2019
Farzana Khatoon
Vs.
State of West Bengal and Ors.

With
WPA 6888 of 2019
Farhat Feroz
Vs.
State of West Bengal and Ors.

With
WPA 6898 of 2019
Md Afzal Imam
Vs.
State of West Bengal and Ors.

With
WPA 6941 of 2019
Khalid Afroz Ansari
Vs.
State of West Bengal and Ors.

Mr. Bikram Banerjee
Mr. Sudipta Dasgupta
Mr. Sutirtha Nayak
... For the Petitioners in the all the matters.

Mr. Bhaskar Prasad Vaisya
Mr. Nilay Baran Mondal
... For the DPSC, Kolkata in all the matters.

Mr. Saikat Banerjee
Mr. Ratul Biswas
Mr. Kaushik Chowdhury
... For the WBBPE in all the matters.

Mr. Dhiraj Trivedi, Ld. DSGI
Mr. Arijit Majumdar
Ms. Supriti Sarkhel
... For the CBI in all the matters.

Mr. Rajarshi Basu
Mr. S.T. Meena
... For the State in WPA 6887 of 2019.

1. Mr. Dhiraj Trivedi, learned D.S.G.I., represents the
CBI.

2. It is submitted by Mr. Trivedi that at Paragraph 8 of the order dated 2nd April, 2024, the party added should be described as the DIG, SIT, CBI in stead of Joint Director, Central Bureau of Investigation, ACB, Kolkata.

3. Let the cause title be corrected accordingly in so far as the added respondent CBI is concerned.

4. The CBI has filed a report in terms of the order dated 2nd April, 2024 and the same is taken on record.

5. In the report, hard copies as well as a CD containing soft copies have been annexed. The marks of the four petitioners in digitized form, available in the server as entered by M/s. S. Basu Roy and Company, are as follows:-

Sl. No.	Name of Candidate	Roll No.	Marks obtained in TET 2014	Result
i.	Farzana Khatun	100089646	77	Not qualified
ii.	Farhad Firoz	100070537	85	Not qualified
iii.	Md. Afzal Imam	100070459	47	Not qualified
iv.	Khalid Afroz Ansari	100120370	85	Not qualified

6. It is submitted by learned D.S.G.I. that the digitized images of each of the O.M.R. sheets of all candidates of the examination conducted by the WBBPE for TET 2014 were captured by M/s. S. Basu Roy and Company. The hard drive on which such capture was made and stored has been destroyed and was not made available to the CBI. The CBI has not been able to extract

even pieces of the hard disc in whatever form the arrested accused persons or even otherwise.

7. Insofar as the three petitioners are concerned, the Board has, however, been able to supply a copy of the O.M.R. sheet of each of them duly signed by its Secretary. The said documents are treated as secondary evidence. The said secondary evidence matches with the digitized data of total marks given by the Board to each of the petitioners.

8. In the above circumstances, the petitioners shall be entitled to the benefit of the order dated 19th October, 2023 passed in WPA 6886 of 2019. The benefit being five marks for wrong question/answer keys in the Urdu part of the TET 2014, two marks for Child Development and Pedagogy.

9. The award of the aforesaid seven marks to the petitioners shall be subject to verification by the W.B.B.P.E.

10. The Secretary of the Board may, if necessary, summon the petitioners to explain the entitlement to seven marks.

11. After addition of seven marks, if any of the four petitioners qualify with pass marks, they shall be deemed to have been entitled to participate in the 2016 recruitment process conducted by the W.B.B.P.E. and

shall undergo the process of interview, aptitude test, scrutiny and verification.

12. This Court ex facie notices that the petitioner in WPA 6898 of 2019 (Md Afzal Imam) is unlikely to succeed in TET given 47 marks obtained by him as disclosed by the CBI.

13. Subject to satisfaction by the Board, as indicated above, let TET certificate be issued to the eligible petitioners, based on the digitized data produced by the CBI today.

14. The Board shall conduct the remaining process in so far as the other three candidates namely Farzana Khatoon, Farhat Feroz, Khalid Afroz Ansari in terms of the directions passed hereinabove.

15. Mr. Saikat Banerjee, learned counsel for the W.B.B.P.E., opposes the prayers of the petitioners and the aforesaid order since 2016 recruitment process has been completed in 2017 and no vacancies are available.

16. Eligible petitioners after complying with the terms as indicated hereinabove, shall only be entitled to recommendation, if successful, against future vacancies.

17. The order shall not apply to those, who have already received appointment.

18. It is expected that the aforesaid process be completed within a period of two months from date.

19. The W.B.B.P.E. may approach this Court for any clarification or orders after scrutinizing the CD/soft copy supplied by the CBI today to them.

20. With the aforesaid directions, the writ petitions are disposed of.

21. There shall be no order as to costs.

22. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)